

Amendment No. 1 to SB2734

Southerland
Signature of Sponsor

AMEND Senate Bill No. 2734

House Bill No. 2560*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 20-4-201, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

(b)

(1) Notwithstanding subsection (a):

(A) In a review proceeding under § 68-211-113(g), the court shall change the venue from the chancery court of Davidson County to the chancery court of the county in which the landfill or expansion is located, or proposed to be located, upon the petition of a party to the review proceeding that is filed within sixty (60) days of the date that the party receives notice of the institution of the review proceeding or within sixty (60) days of the date that the petitioner became a party to the action, whichever is later. If a party to a review proceeding brought under § 68-211-113(g), that is pending in the chancery court of Davidson County on the effective date of this act and which was instituted no more than one (1) year prior to the effective date of this act, and for which a final judgment has not been issued, petitions the chancery court of Davidson County within sixty (60) days of the effective date of this act, to change the venue to the chancery court of the county in which the landfill or expansion is located, or proposed to be located, the chancery court of Davidson County shall order the venue changed to the chancery court of

the county in which the landfill or expansion is located or proposed to be located; and

(B) In a judicial proceeding, other than a review proceeding brought under § 68-211-113(g), in which the approval of a new landfill or expansion of an existing landfill is a subject of the litigation and the case is before a state court located in a county other than the county where the landfill or expansion is located, or proposed to be located, the court shall change the venue to the circuit or chancery court, as appropriate, of the county in which the landfill or expansion is located, or proposed to be located, upon the petition of a party to the proceeding that is filed within sixty (60) days of the date that the party receives notice of the institution of the proceeding or within sixty (60) days of the date that the petitioner became a party to the action, whichever is later. If a party to a judicial proceeding, other than a review proceeding brought under § 68-211-113(g), in which the approval of a new landfill or expansion of an existing landfill is a subject of the litigation and the case is pending in a state court located in a county other than the county where the landfill or expansion is located, or proposed to be located on the effective date of this act and which was instituted no more than one (1) year prior to the effective date of this act, and for which a final judgment has not been issued, petitions the court within sixty (60) days of the effective date of this act, to change the venue to the circuit or chancery court of the county in which the landfill or expansion is located, or proposed to be located, the court shall order the venue changed to the circuit or chancery court, as appropriate, of the county in which the landfill or expansion is located or proposed to be located.

(2) Section 20-4-203 does not apply to a petition for change of venue under this subsection (b). A petition made under this subsection (b) must state:

(A) The date on which the petitioner relies to establish that the petition is filed within sixty (60) days of the date that the petitioner received notice of the institution of the review proceeding or other judicial proceeding, the date that the petitioner became a party to the action, or the effective date of this act; and

(B) The county in which the landfill or expansion that is the subject of the review proceeding or other judicial proceeding is located or proposed to be located.

(3) A court in which a petition for change of venue is filed pursuant to this subsection (b) shall not deny the petition for a reason other than:

(1) A review proceeding or other judicial proceeding has not been instituted in that court for the matter for which change of venue is sought;

(2) The petition is filed more than sixty (60) days after the date that the petitioner received notice of the institution of the review proceeding or other judicial proceeding, the date that the petitioner became a party to the action, or the effective date of this act, as applicable; or

(3) The court has issued a final judgment for the review proceeding or other judicial proceeding.

SECTION 2. Tennessee Code Annotated, Section 68-211-113(g), is amended by deleting the first sentence in the subsection and substituting the following:

A review proceeding under this part may be instituted only in the chancery court of Davidson County or the chancery court of the county in which a landfill or expansion that is the subject of the review petition is located or proposed to be located.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.